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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/537,418

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EXAMINER

MENON, KRISHNAN S

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

05/09/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/537,418	Applicant(s) DAVID ET AL.	
	Examiner Krishnan S. Menon	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 11-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/2/05, 8/11/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-14 are pending as preliminarily amended on 6/2/05

Election/Restrictions

Applicant's election without traverse of claims 1-10 in the reply filed on 4/14/08 is acknowledged. However, applicant has not identified the claims readable on the elected species. The examiner finds that claim 6 represents figure 5 and not figure 1. Therefore, claim 6 is also withdrawn from consideration.

Claims 6 and 11-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention/species, there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

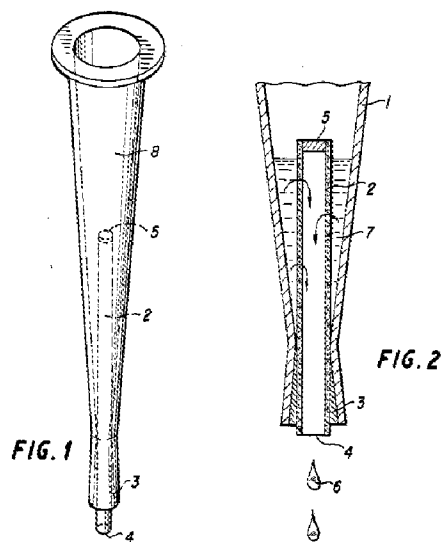
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 recites Teflon (Registered trademark), which is indefinite, because trademarks do not necessarily mean the product or material covered by the trademark may change with time.

Claim Rejections - 35 USC § 102/103

1. Claims 1-3 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Koyama et al (US 4,690,754).



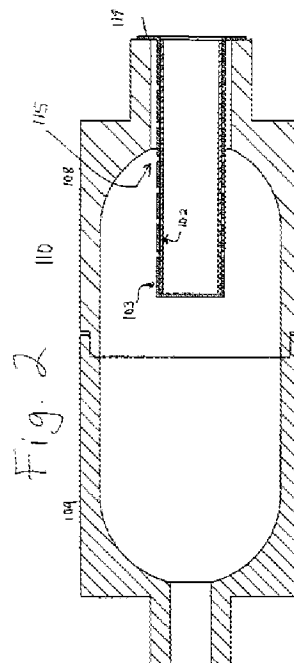
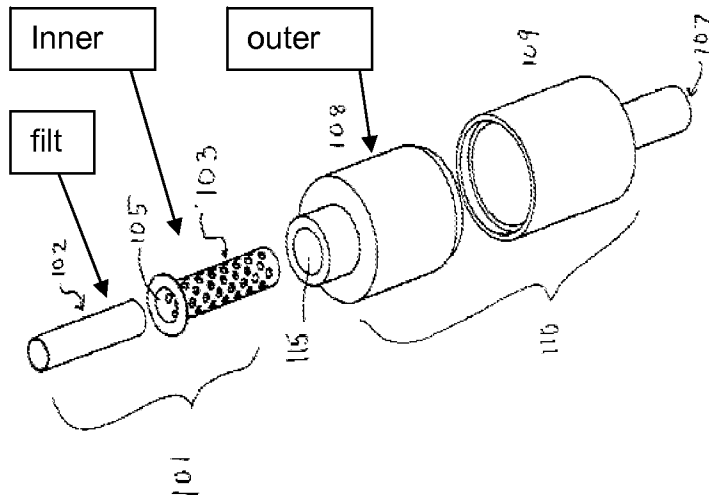
Koyama teaches a water separation device having a tubular member (2) with its bottom closed (at 5), top open at (4). There is a membrane on a rising surface between the lower and upper ends of the tube (2). See the figures reproduced above, which are upside-down in orientation. Open end (4) of the membrane tube can be an inlet - intended use of the filter. See also fig 4A and B of the reference.

[Alternately for claim 1 and 2, the outer tube (8) can be the tubular member, the membrane on a surface (2) rising between the upper and lower ends. The bottom of (8) is closed, except for the membrane opening. Inlet at top of (8), filtrate outlet at bottom of the membrane (2)].

Claim 3: Tubular member (2) placed inside outer tube (8). The system would work with in either orientation for filtration – straight or upside down, or turning it pour the contents from tube (2) after the filtration is complete.

Material of outer tube is plastic or glass as in claim 10.

2. Claims 1-5, and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunicke-Smith (US 2002/0185429).

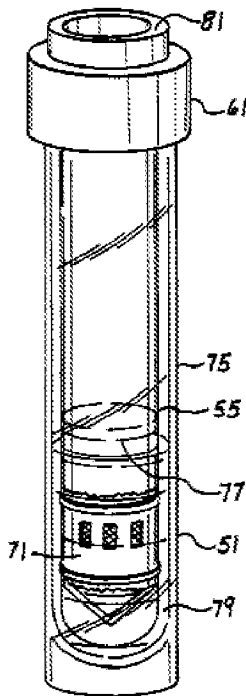


Details of claims 1-4 and 10 are clear from the exploded view of the device shown above, which are figures 1 and 2 of the Hunicke-Smith reference. Material of the outer tube is plastic or glass. With respect to claim 5, claim 5 is read in conjunction with elected figure 1, and accordingly, the openings 103 on the surface of inner tube would read on the openings on the slope surface claimed. Membrane is Teflon, pore size can

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be as desired, and also in the claimed range – see paragraphs 34-36. Oil/water separation is intended use.

3. Claims 1-5 and 10 are rejected under 35 U.S.C. 102(a/e) as being anticipated by Diamond, et al (US 6,295,333).



Diamond teaches the claimed structure as shown in the figure 4 shown to the right. Material of the outer tube is plastic or glass. Membrane (71) is attached to windows at the bottom of the inner tube. With respect to claim 5 (as represented by applicant's figure 1), membrane 71 is over the window 51, which would read on claim 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S. Menon whose telephone number is 571-272-1143. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David R. Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Krishnan S Menon/
Primary Examiner, Art Unit 1797